



Appeal Decision

Site visit made on 9 July 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Appeal Ref: APP/C1950/W/24/33340075

Corner of Foxglove Way and The Brambles, Welwyn, AL6 0PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Thurley against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2023/2129/FULL.
 - The development proposed is the construction of a new one-bedroom house with amenity and refuse storage, and an associated double garage to include parking and cycle storage, and creation of a vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the relationship of the proposed development to its surroundings and local distinctiveness; and ii) its impact on highway safety.

Reasons

3. The appeal site consists of 2 parcels of land separated by a parcel containing an electricity substation. The larger of the 2 appeal plots is on a bend in The Brambles at the point where Foxglove Way branches off. Both of these highways are culs-de-sac. The smaller parcel is situated between the substation and a turning head. The larger of the 2 parcels is the proposed site of the dwelling, whilst the smaller would house the double garage.
4. The sites are part of the settlement of Oaklands and Mardley Heath in a residential area. To the north of The Brambles and on Foxglove Way, the dwellings are of similar dimensions, age and design. This settlement has good transport links and some services and facilities, so that it is a sustainable location, and there is no objection to the proposal in principle. The development in the 2 streets is of reasonably high density with the houses joined by single storey garage links. They have open plan frontages, lending a reasonably spacious suburban character.
5. As noted, the larger parcel would contain a 1-bedroom, 2-storey, detached dwelling. This dwelling would occupy the majority of the plot and would sit close to the edge of highway. The 2 elevations fronting onto The Brambles would be, on the east, what the drawings describe as the front elevation, and to the north a side elevation. The 'front' elevation would have 2 windows on the

ground floor, 1 projecting under a mono-pitch roof and supported on brackets. There would be 2 similarly spaced windows on the first floor. The side elevation would be blank, save for a single storey extension under a pitched roof, with a central window. The 'rear' elevation would have the only entrance to the house, facing and about 1m away from the plot of land with the substation. The other (south) side elevation facing the rear garden would be blank, save for a small window on the ground floor serving a utility room/toilet. The double garage on the other plot, also providing cycle storage, would effectively fill the parcel, which being of an irregular shape, whilst the garage would be rectangular, would leave slivers of land on both sides and at the rear. The doors to the garage would be just behind the boundary of the highway.

6. The proposed house would be of a similar design, in terms of style and size, to the existing dwellings in the locality, but as a detached building it would not benefit from the linear form of the linked houses to the north. The house would therefore have a relatively narrow and vertical emphasis, and would appear squeezed onto the available land. The elevations would make little visual sense in terms of what would be the front and back, with the front door being hidden facing the substation site. The elevation facing the garden would have no view out of the house onto the garden, and the only other ground floor windows would look at close range onto the road. This falls well short of the requirement set out in the National Planning Policy Framework (the Framework) for the creation of high quality, beautiful and sustainable buildings and places, with good design being a key aspect of sustainable development.¹
7. The proposed garage would not be linked to the house by a footpath: whilst this part of The Brambles serves only some 16 houses, the road appears to be regularly used for kerb-side parking, so that this is not entirely a safe relationship. The garage door would open directly onto the highway, which I consider would lead to situations where pedestrian and vehicular safety would be at risk.
8. All of this lends support to the view that the whole of the proposed development would be, and would appear to be, squeezed onto the available land, having a cramped appearance and poor functionality. It would be contrived and at odds with the form of the surrounding development.
9. There would be little detriment to the amenity of the occupiers of the houses on the lower land on Birch Grove, although the proposed house on markedly higher land would be overbearing, particularly to the occupiers of No.22 Birch Grove.
10. The case put forward on behalf of the appellant consists mainly of assertions that the proposed development is well designed, would have no adverse impacts and would be consistent with the sense of place that currently prevails. However, this is not backed up by any real analysis, and I do not find it persuasive.

Conclusions

11. I have taken account of all other matters. The most important of which is that the council cannot demonstrate a five-year supply of deliverable housing sites

¹ Paragraph 131 of the Framework, version December 2023.

at present. Consequently, the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework is engaged. The presumption provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case the contribution to the housing supply would be extremely modest, but in any event, the shortcomings of the proposal certainly outweigh the benefits.

12. For the reason that I have set out above I conclude that the proposed development would fail to have a satisfactory relationship with its surroundings and local distinctiveness, and that it would have an adverse impact on highway safety. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR